



Rep. Karen May

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09700HB5373ham001

LRB097 17836 JDS 66579 a

1 AMENDMENT TO HOUSE BILL 5373

2 AMENDMENT NO. _____. Amend House Bill 5373 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Thermal Receipt Paper Act.

6 Section 5. Purpose. The purpose of this Act is to prohibit
7 the sale, distribution, and use of thermal receipt paper
8 containing bisphenol-A for commercial transactions.

9 Section 10. Definitions. As used in this Act, unless the
10 context otherwise clearly requires:

11 "Agency" means the Illinois Environmental Protection
12 Agency.

13 "Paper distributor" means a person who sells paper on a
14 wholesale basis.

15 "Paper manufacturer" means the person who manufactured a

1 final paper product. In the case of a paper product that was
2 imported into the United States, "manufacturer" includes the
3 importer or domestic distributor of the paper product if the
4 person who manufactured the paper product does not have a
5 presence in the United States.

6 "Person" means any individual, partnership,
7 co-partnership, firm, company, limited liability company,
8 corporation, association, joint stock company, trust, estate,
9 political subdivision, state agency, or any other legal entity,
10 or their legal representative, agent, or assigns.

11 "Thermal receipt paper" means any paper that is used to
12 issue a mechanically produced record of a commercial
13 transaction, including, but not limited to, cash register
14 receipts and other records of receipts, credits, withdrawals,
15 deposits, or credit or debit card transactions.

16 Section 15. Prohibitions.

17 (a) Beginning January 1, 2015:

18 (1) no paper manufacturer or paper distributor shall
19 sell, offer for sale, distribute, or offer to distribute in
20 this State any thermal receipt paper that contains
21 bisphenol-A; and

22 (2) no person shall use in this State thermal receipt
23 paper that contains bisphenol-A.

24 (b) Before January 1, 2014, thermal receipt paper
25 manufacturers, distributors, or users may, in consultation

1 with the Agency, recommend to the General Assembly a delay in
2 the prohibitions set forth in subsection (a) of this Section if
3 no safer substitutes for bisphenol-A in thermal receipt paper,
4 as identified by the United States Environmental Protection
5 Agency's BPA Alternatives in Thermal Paper Partnership
6 project, will be commercially available by January 1, 2015.

7 Section 20. Informational outreach.

8 (a) Beginning January 1, 2013, the Agency shall maintain on
9 its website information regarding best practices for the
10 recycling and disposal of thermal receipt paper so as to
11 minimize exposure to bisphenol-A.

12 (b) Unless the prohibitions set forth in Section 10 of this
13 Act are delayed, the Agency shall conduct outreach, in
14 collaboration with business trade associations and other
15 appropriate State agencies, to educate paper manufacturers,
16 retailers, banks, and other commercial entities about the
17 prohibitions.

18 Section 25. Penalties.

19 (a) Any paper manufacturer or paper distributor that
20 violates subdivision (a)(1) of Section 15 of this Act shall be
21 liable for a civil penalty not to exceed \$2,500 for the first
22 violation and not to exceed \$5,000 for a second or subsequent
23 violation.

24 (b) Any person that violates subdivision (a)(2) of Section

1 15 of this Act shall be liable for a civil penalty not to
2 exceed \$250 for the first violation and not to exceed \$500 for
3 a second or subsequent violation.

4 (c) The penalties provided in this Section may be recovered
5 in a civil action brought in the name of the people of the
6 State of Illinois by the State's Attorney of the county in
7 which the violation occurred or by the Attorney General.
8 Without limiting any other authority that may exist for the
9 awarding of attorney's fees and costs, a court of competent
10 jurisdiction may award costs and reasonable attorney's fees,
11 including the reasonable costs of expert witnesses and
12 consultants, to the State's Attorney or the Attorney General in
13 a case if he or she has prevailed against a person who has
14 committed a willful, knowing, or repeated violation of this
15 Act. Any funds collected under this Section in an action in
16 which the Attorney General has prevailed shall be deposited in
17 the Environmental Protection Trust Fund, to be used in
18 accordance with the provisions of the Environmental Protection
19 Trust Fund Act. Any funds collected under this Section in an
20 action in which a State's Attorney has prevailed shall be
21 retained by the county in which he or she serves.

22 (d) The State's Attorney of the county in which the
23 violation occurred or the Attorney General may, at the request
24 of the Agency or on his or her own motion, institute a civil
25 action for an injunction, prohibitory or mandatory, to restrain
26 violations of this Act or to require such other actions as may

1 be necessary to address violations of this Act.

2 (e) The penalties and injunctions provided in this Act are
3 in addition to any penalties, injunctions, or other relief
4 provided under any other law. Nothing in this Act shall bar a
5 cause of action by the State for any other penalty, injunction,
6 or relief provided by any other law.".